IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12035 of 2004

Between:

R. Ranga Prasada Rao,

S/o Late Sri R. Ramaiahsuri,
R/o.H.No. 1-1-293, Plot No. 406,

Ashoknagar, Hyderabad.

..... PETITIONER

AND

1. The Food Corporation of India, Barah Khamba Road,

   New Delhi,
   Rep. by its Managing Director.
2. The Zonal Manager, Food Corporation of India,

   2 Haddows Road, Chennai.
3. The Senior Regional Manager, Food Corporation of India,

HACA Bhawan, Nampalli, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ (i) declaring the proceedings of the Disciplinary Authority No. Vig/4(75)/2001 dated 12-11-2002 and the consequential order passed by the Appellate Authority vide proceedings No. VIG.5(11)/2003-AP dated 23-5-2004 (ii) declare the punishment of reduction to the post of Assistant Grade II (T) from the post of Assistant Grade (T) and further fixing the pay at the minimum of Rs.5,160/- in the time scale of Rs.5,160/- Rs.9,500/- with further punishment directing not to earn increments which fell due on 1-1-2003, 1-1-2004 and 1-1-2005 as illegal and contrary to Regulation 54 of F.C.I. Staff Regulations and set aside the same with consequential directions.

Counsel for the Petitioner:MR.G.VIDYASAGAR, Advocate

Counsel for the Respondents No.: MR.B.ANJANEYULU, Standing Counsel for F.C.I.

The Court, at the stage of admission, made the following :

ORDER:

This Writ Petition is filed to declare the proceedings of the disciplinary authority No.Vig/4(75) 2001, dated 12-11-2002 as confirmed by the Appellate Authority vide proceedings No.Vig.5(11)/2003-A.P, dated 23-5-2004, imposing punishment of reduction to the post of Assistant Grade II(T) from the post of Assistant Grade_(T) and further fixing pay Rs.5,160/- in the time scale of Rs.5,160/---Rs.9,500/- with further punishment not to earn increments which fell due on 01-1-2003, 01-1-2004 and 01-1-2005 as illegal and arbitrary.

Aggrieved by the said proceedings admittedly, the writ petitioner filed a review petition, dated 14-7-2003 before the 1st respondent, which is stated to be pending. The petitioner cannot be permitted to prosecute two parallel remedies in respect of the same incident.

Therefore, without going into the merits of the case, the writ petition can be disposed of, directing the respondent to dispose of the review petition, dated 14-7-2003, if not already disposed of, within a period of two months from the date of receipt of a copy of this order.

With the above direction the writ petition is disposed of at the stage of admission. In the circumstances of the case, there shall be no order as to costs.

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(K.C.BHANU, J)

14th July, 2004.

Mrb/Bcj

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Food Corporation of India, Barah Khamba Road,
   New Delhi,
   Rep. by its Managing Director.

2 The Zonal Manager, Food Corporation of India,
   2 Haddows Road, Chennai.

3. The Senior Regional Manager, Food Corporation of India,
HACA Bhawan, Nampalli, Hyderabad.

4. Two CD Copies.